

## Schena, Cristeen

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**From:** Butzler, Julia <Julia.Butzler@vermont.gov>  
**Sent:** Thursday, October 08, 2015 10:37 AM  
**To:** Spejewski, Andrew  
**Subject:** RE: CSOs / Middlebury / etc.  
**Attachments:** removed.txt

Hello Andrew,

Attached is the permit app

Thanks for the link, I had already found that. Don't know if we had talked about this nuance, but what about the situation where is started out as a combined sewer, and then was separated. . . . when does it cease to be a CSO? Given the iterative process (doing some abatement work, then assessing, then more work and assessment . . . etc) and the compounding nature of the improvements, it just doesn't seem that straightforward.

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**From:** Spejewski, Andrew [mailto:Spejewski.Andrew@epa.gov]  
**Sent:** Wednesday, October 07, 2015 3:54 PM  
**To:** Butzler, Julia  
**Subject:** RE: CSOs / Middlebury / etc.

Julia – Do you know who has the permit application for Middlebury's current existing permit, and how I can get a copy?  
Thanks

Also, in case it helps, I just noticed the definition of Combined system on EPA's web site  
(<http://water.epa.gov/polwaste/npdes/cso/index.cfm>)

"Combined sewer systems are sewers that are designed to collect rainwater runoff, domestic sewage, and industrial wastewater in the same pipe."

This adds 'designed' to the definition in the policy below. Talking with another person here, they thought that if there were storm sewers in the area, then the sanitary sewer really couldn't be considered a combined system.

Don't know if that helps.

Andrew

**From:** Spejewski, Andrew  
**Sent:** Monday, September 28, 2015 2:12 PM  
**To:** 'Butzler, Julia' <[Julia.Butzler@vermont.gov](mailto:Julia.Butzler@vermont.gov)>  
**Subject:** RE: CSOs / Middlebury / etc.

Julia – No problem about talking. Feel free any time.

I talked with our expert CSO attorney. He confirmed that there's no real bright line guidance on what is and is not a combined system.

There's a definition in the CSO policy (<http://water.epa.gov/polwaste/npdes/cso/upload/owm0111.pdf>) , that's "a wastewater collection system ... which conveys sanitary wastewater... and storm water through a single pipe system.."

Obviously a single drop of stormwater accidentally entering the pipe doesn't make it a combined system, so this doesn't really give much of an answer. Our attorney stressed whether a system was designed to be combined – so a municipality that let roof drains be connected, but did not have a system designed for stormwater and sanitary combined is not a CSO community. But it is a case-by-case kind of decision.

In practice there may not be a lot of difference. Main difference is that a CSO can be permitted as long as it doesn't violate water quality (though this is a pretty high bar, in EPA's opinion), while an overflow from a non-combined system can never be permitted. I think this is moot for Middlebury and Vergennes, at least, since the impaired waters listing for Otter creek identifies CSOs as a source of the impairment.

Again, from our point of view, it's not a huge difference whether Middlebury is on the CSO list or not, as we have to eliminate any discharges to the bacteria-impaired Otter Creek, so whether they're considered CSOs or SSOs, they need to get on a schedule for eliminating them.

On that topic, I was wondering if I could ask you a favor – is there any way I can get a copy of the Middlebury permit application for their current permit?

And, slightly related, I just wanted to mention that one newish thing that EPA is supporting these days is integrated strategies for municipalities, where costs and schedules for CSO/SSO, treatment plants and even MS4 work are considered together, so as to get the most cleanup for the buck early on, while ensuring that overall costs are within a community's resources. Just something for ya'll to keep in mind as the TMDL-updated permits start getting ready.

I'm afraid this may not help as much as you'd like, but it's what I've got. Feel free to call or e-mail anytime.

Andrew Spejewski  
Environmental Engineer  
U.S. EPA, Region I, New England  
617-918-1014

**From:** Butzler, Julia [<mailto:Julia.Butzler@vermont.gov>]  
**Sent:** Monday, September 28, 2015 11:24 AM  
**To:** Spejewski, Andrew <[Spejewski.Andrew@epa.gov](mailto:Spejewski.Andrew@epa.gov)>  
**Subject:** CSOs / Middlebury / etc.

Hi Andrew,

Thanks for taking the time to speak with me about CSOs – like I mentioned, it is quite a hot topic up here in Vermont these days.

To summarize, my understanding is that you visited Middlebury (for an inspection), and stated that – despite our labeling it as such -- they did not have a CSO system. Also, Ernie Kelley stated that you were considering an enforcement order (please correct me if I got that wrong) to address the overflows.

Several questions have arisen from this information, primarily because we are in the process of updating our CSO Policy. I was hoping that you could clarify some things for me:

--If Middlebury started with a CSO, but has subsequently separated its sewers (but still overflows due to extreme precipitation events), is it no longer a CSO? Seeing that CSO abatement is an iterative process to reduce the stormwater

in a system, with cumulative effects, it seems a little less clear than simply Combined versus Separate, no? (the EPA has a Fact Sheet regarding Inflow Reduction <http://www.epa.gov/npdes/pubs/inflwred.pdf> , e.g., roof drains, and CSOs)

--Are roof drains considered a 'stormwater connection', thereby designating the sewer system to be combined? It is pretty easy to say, No, in the case of a residential stormwater drain, but what about in the case of Springfield VT that had the roof drains of 3 industrial buildings (for an area of 9 acres) connected to the sewer line – that is a subcatchment in and of itself, its seems to me.

--ultimately, you suggested that Middlebury was NOT a CSO, and therefore should be removed from the list in the draft revision of our CSO Policy. However, from our point of view, these are stormwater-related overflows (albeit from I/I), and must be corrected.

Can you provide citations as to why they should be taking off the list? Addressing what exactly is a CSO, and how I/I is not covered by this definition?

Thanks so much and please feel free to call if that would be easier.

Julia Butzler



**Julia Butzler, *Environmental Analyst***

1 National Life Drive, Main 2

Montpelier, VT 05620-3522

802-490-6182 / [Julia.Butzler@vermont.gov](mailto:Julia.Butzler@vermont.gov)

[www.watershedmanagement.vermont.gov](http://www.watershedmanagement.vermont.gov)